

# **Attachment I**

## **Public Comment Correspondence**

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**From:** Tammy Thorpe  
**Sent:** Thursday, January 24, 2013 7:03 PM  
**To:** Jack White-Use this address 2/1/12; Switzer, Dixie  
**Subject:** RE: Draft Housing Element Update Released for Public Review and Comment

Dixie,

After reviewing the plan below, I did not find anything pertaining to housing and the back country (Alpine is the closest area). Is this correct or am I missing a section?

Thank you,

Tammy Thorpe  
Campo/Lake Morena Planning Group

**From:** Chuck Salmond  
**Sent:** Tuesday, January 29, 2013 7:56 PM  
**To:** Switzer, Dixie  
**Subject:** housing element Question

I own property at 9653 Dunbar Ln. parcel # 402- 201- 32- 00 , What would it take or is it possible to get a greater density ?  
As per this update

Thank You Chuck Salmond

**From:** Ernest Yasukochi  
**Sent:** Tuesday, January 29, 2013 11:43 PM  
**To:** Switzer, Dixie; Shirley Anderson; newton iwamura  
**Subject:** Zoning

Ms. Switzer,

Does this mean that increased density, SR-1 zoning only given to whites, meets your requirements? My family's property is zero feet from a city limit. The property is almost flat. It has two district water lines across the property. It has a sewer line running across the property. It has electricity. It has hard surface streets on two sides of the property with gas lines under it. None of the property is more than 0.25 miles from a hard surface street. I guess our family does not qualify because we do not have the right racial color.

I have asked the county as to what criteria qualifies a property as SR-1 and I have received no answer. I have asked what was the racial break down of those who received SR-1 and I have received no answer. I notified that the county that they interfered with the Property Owners Sponsor Group's recommendation and proved it, and have received no answer.

Can you get me some answers? Thank you,

Ernest Yasukochi

**From:** Ernest Yasukochi  
**Sent:** Thursday, January 31, 2013 12:04 AM  
**To:** Switzer, Dixie; Citrano, Robert; Johnston, Kevin; Melcher, Austin; Shirley Anderson; newton iwamura  
**Subject:** Re: Zoning

Ms. Switzer,

You do not have to make zoning changes but it is your responsibility to seek and root out racial injustice. You must make racial considerations when you analyze or are you blind as to what is happening? What county policies of anti-racial bias are you held to uphold? If you do not think so, please contact your legal department so as to be apprised of your pro-active anti-racial duties as a county employee. You cannot brush this problem aside and let racial pig activities continue. Open your eyes and analyze what is happening racially. I am beginning to wonder if everybody is feeding off the same racist pig trough.

I request the names and address of the SR-1 properties that your increase of housing elements come from. From this list you can deduce the pure whiteness of the individuals given SR-1. Then, please pass this information to your legal department. The Yasukochi Family has been greatly harmed by this process. Somebody has to search their own conscience and do what is right.

Thank you,

Ernest Yasukochi

**From:** Ernest Yasukochi  
**Sent:** Tuesday, February 26, 2013 12:10 PM  
**To:** Switzer, Dixie; Citrano, Robert; Johnston, Kevin; Melcher, Austin; Shirley Anderson; newton iwamura  
**Subject:** Fw: Zoning

Ms. Switzer,

I guess finding a single Asian name and address on the list of those who recently received a SR-1 zoning from the General Plan Update was much too difficult. You must certainly possess the APN number of those who received SR-1 zoning or else you would not be able to complete your function of your first email that you send to me. Could you please send me the APN numbers of those who received SR-1 zoning?

I have asked many times from the county if any minorities received SR-1 zoning and have met complete silence. In fact, I first asked the question of minorities about two years ago. Something is wrong since it is such a simple question. Please remember that County employees work for the tax payers, so the Yasukochi Family deserves an answer.

Thank you,

Ernest Yasukochi

**From:** Sheri Todus  
**Sent:** Wednesday, January 30, 2013 5:57 AM  
**To:** Switzer, Dixie  
**Subject:** Re: Comments due February 28, 2013 - County of San Diego Draft Housing Element - Public Review

Is it safe to say that this does not directly impact the SCPG as the Sweetwater Valley or Bonita Sunnyside are not listed on the inventory list.

Sheri Todus  
Co chair SCPG



## **RINCON BAND OF LUISEÑO INDIANS**

### **Culture Committee**

Post Office Box 68 • Valley Center, CA 92082 •  
(760) 297-2635 or (760) 297-2622 & Fax: (760) 297-2639



February 04, 2013

Dixie Switzer  
County of San Diego  
Planning & Development Services  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Re: SB18 Consultation: General Plan Amendment – Housing Element Amendment and Land Use  
Amendment; GPA 12-009; Unincorporated County

Dear Ms. Dixie Switzer:

This letter is from the Rincon Band of Luiseño Indians, and is in response to the letter of November 06, 2012 from your office regarding the above named project. A portion of the proposed project is located within the Aboriginal Territory of the Luiseño people, and also within Rincon's historic boundaries; specifically, project areas to be located in Northern San Diego County give us concern.

Under Section 4.3, Environmental Constraints, the Housing Element Background Report states that "the unincorporated area has unique topography, ecosystems, and natural resources that are fragile, irreplaceable, and vital to the quality of life for all residents." Section 4.3 also mentions that "special development controls have been established for . . . archaeological sites and historic sites" and that "in October 1991, the County adopted the Resource Protection Ordinance (RPO) to guarantee the preservation of these sensitive lands." Considering the significant amount of known archaeological resources within San Diego County, we express our concern for the protection of existing cultural resources, and protection for any future inadvertent archaeological discoveries that could be made at the various project sites. Adhering to the RPO is a step in the right direction towards achieving more complete cultural resource protection.

We support the General Plan update's use of avoidance regarding culturally significant sites, and also the maintenance of confidentiality for archaeological sites. These strategies will ensure the preservation of important Luiseño and other Tribal cultural resources. We recommend that Native American Monitors be present for all ground disturbance activities at project site locations, and that you consult with Native American Tribes regarding traditional cultural sites during all phases of development for the project.

If you have any questions, please contact (760) 297-2635. Thank you for this opportunity to protect and preserve our cultural assets.

Sincerely,

Rose Duro  
Rincon Culture Committee Chair

---

Bo Mazzetti  
Tribal Chairman

Stephanie Spencer  
Vice Chairwoman

Steve Stallings  
Council Member

Laurie E. Gonzalez  
Council Member

Frank Mazzetti III  
Council Member

**From:** Dolores Diaz  
**Sent:** Friday, February 08, 2013 9:22 AM  
**To:** Switzer, Dixie  
**Cc:** Dania Brett  
**Subject:** Re: Housing Element

Hi Dixie,,

There are several things to consider when looking at historical numbers and information regarding rural homeless/farmworkers. We completely understand the need to address the needs for this population in the housing element and we certainly want to provide any information to enhance your narrative and analysis.

I spoke with our project manager for the Count and she tells me that we only have anecdotal information from groups that work with those populations. Apparently the camps have been dwindling for the past several years.

We are still collecting the tally sheets from this year's north county canyon count... but from what we have been hearing.. anecdotally... we may not even reach the 181 number that is being referenced from the 2012 count. In part, perhaps, due to the fact that it rained during this year's count.

In part, perhaps, due to the number of volunteers focused on this effort and most importantly In part due to a very careful reading of HUD's definition of "homeless" for the purposes of the Point In Time Count. It is possible... although there is no way to verify... that in the past, many people were counted at day labor sites who did not actually fit HUD's specific definition for homeless. They may have fit HUD's definition for precariously housed... but not homeless.

The RTFH has just begun its analysis of 605 census tracks from this year's count and we will likely not be releasing numbers or information regarding the count until the Spring. It is important to highlight that the annual homeless count is a "point in time" between 5 and 8 a.m. and it is only a snapshot of what we were able to see in our region.

It is certainly up to you to determine what information to include or not include in the County's Housing Element.

We do recommend including some language regarding these variables. Please feel free to contact us if we may be of any further assistance.

Dolores Diaz

**From:** Ann Fathy  
**Sent:** Friday, February 08, 2013 4:35 PM  
**To:** Switzer, Dixie  
**Subject:** County Housing Element Update

Hi Dixie:

Thanks for making sure that I received the draft update and had the opportunity to respond.

I reviewed the sections related to farmworker housing and found them satisfactory.

I did not review the other sections of the draft update.

Ann

**From:** Elena Thompson  
**Sent:** Monday, February 11, 2013 11:08 AM  
**To:** Switzer, Dixie  
**Subject:** Comments due February 28, 2013 - County of San Diego Draft Housing Element - Public Review Input

**County of San Diego Housing Element Update  
Release of Draft for Public Comment  
Comments Due February 28, 2013**

**Dear Dixie,**

**The following seems abundantly clear to me and is not factored in to this "Housing Element Update"/plan:**

- 1. The lack of water supplies to keep up with continued development and growth in San Diego county**
- 2. The lack of water to supply more humans**
- 3. The lack of sufficient park land and open space to satisfy our needs for open space**
- 4. The lack of protected open space to keep up the health of the hundreds of species that we share this precious area with**

**It seems ridiculous to me, furthermore, for bureaucrats in Sacramento to shove down our throats "numbers" to keep up with population figures, when our natural resource capabilities are fully ignored by this same group of individuals.**

**We cannot continue to build, until we have worked out the above and also can ensure we are not polluting to the point of no return, our air and water resources.**

**Thank you for the opportunity to weigh in.**

**Elena and John Thompson  
Encinitas and Borrego Springs, CA.  
760-633-4222**



**RAMONA COMMUNITY PLANNING GROUP**

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

**Jim Piva**  
*Chair*

February 13, 2013

**Scotty Ensign**  
*Vice-Chair*

**Kristi Mansolf**  
*Secretary*

Dixie Switzer, Project Manager  
Planning and Development Services  
5510 Overland Avenue, 3<sup>rd</sup> Floor  
San Diego, CA 92123

**Chad Anderson**

**Torry Brean**

RE: HOUSING ELEMENT UPDATE

**Jim Cooper**

The Ramona Community Planning Group appreciated your attending the meeting of February 7, 2013, and providing us with an informative presentation on the currently proposed Housing Element Update.

**Matt Deskovick**

**Carl Hickman**

The following motion was made:

**Eb Hogervorst**

**MOTION: TO SUPPORT THE HOUSING ELEMENT  
UPDATE AS PRESENTED.**

**Barbara Jensen**

The motion passed 9-0-0-0-6, with 6 members absent.

**Donna Myers**

**Dennis Sprong**

Sincerely,

**Paul Stykel**

*Kristi Mansolf, Secretary*

**Richard Tomlinson**

*JEP* JIM PIVA, Chair  
Ramona Community Planning Group

**Kevin Wallace**

**From:** Michael  
**Sent:** Wednesday, February 13, 2013 8:36 AM  
**To:** Switzer, Dixie  
**Cc:** Chris.Nichols@utsandiego.com; Darrel Hale, LSM  
**Subject:** Housing element

Dear Ms. Switzer,

I have a number of citizens who wish to review portions of the housing element report for North County Metro area as part of the Regional Housing Needs Assessment. Can I extract pertinent portions of the report for citizen consideration? Why are there restrictions on reproduction of public documents produced at public expense? My understanding is that public documents are in the public domain and can be freely reproduced.

Particularly of interest to our citizens in the North County are the extensive selections of property in Vista, Escondido and one high density project in Lake San Marcos.

In reviewing the documents, I found nothing for San Marcos and its sphere of influence – particularly for the Creekside District and Merriam Mountains. Does this mean that population accommodations for future growth do not require these developments or that these developments (such as Merriam Mountains) are already added to inventory requirements and not considered further? Have I missed something?

There are more vacant areas than included in the report. Why were some properties singled out and others left out? Are the selected properties eligible for special consideration for grants and loans?

A final question concerns the published density figures. I understand that by State law “bonus” Affordable Housing units can be added on top of General Plan zonings up to around 30%. Thus does the density of 25 units per acre per the published figures include “bonus” units or that the 25 units per acre can mean 33 units per acre if the investor so decides?

Best regards and thanks for your consideration,

Mike Hunsaker.

Chairman, Property Owner Defense League, Inc.- a 501c3.



## FARM BUREAU SAN DIEGO COUNTY

1670 East Valley Parkway, Escondido CA 92027-2409  
Phone: (760) 745-3023 • Fax: (760) 489-6348  
E-mail: [sdcfb@sdfarmbureau.org](mailto:sdcfb@sdfarmbureau.org) • Website: [www.sdfarmbureau.org](http://www.sdfarmbureau.org)

February 14, 2013

Dixie Switzer, AICP  
Planning & Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

Dear Ms. Switzer,

Thank you for the opportunity to review the Draft County of San Diego Housing Element Update. While farmworkers comprise a small portion of the county's population, their contribution is essential to the continuing success of agriculture, which makes a considerable economic contribution to the local economy.

Our comments will begin with the Housing Element Background Report. In the Residents with Special Needs section the chapter on farmworkers is essentially accurate in describing the farmworker population and their particular housing needs. With the majority of farm workers in the county permanently employed, we think it is important to emphasize the sentence that reads, "For these farmworkers, affordable rental family housing is usually the preferred housing option." The best means of meeting the housing needs for San Diego County's farmworkers is increasing the stock of affordable rental housing.

The Background Report makes mention of encampments of homeless farmworkers. We suggest the county pursue more current data than is provided by the Regional Homeless Profile that was published in 2006.

It is recognized in the report that the population of farmworkers has declined. That decline is attributed to the conversion of farmland to urban or suburban uses. While some development of farmland has occurred in the past few years, it is our belief that farmworker population reduction is more directly the result of reduced demand for nursery products due to the economic downturn, the substantial loss of avocado and citrus acreage due to the high price of water, and a reduced number of farmworkers available for work as a result of current federal immigration policies.

In the Resources Available section we suggest mention of other farmworker housing projects operated by organizations such as Community Housing Works.

Turning to the Goals and Policies for the Housing Element, our attention is drawn to Policies H 3.5, H 3.6 and H 3.7. We support these policies in their recognition of farmworker housing. However, programs will have no value if the constraints are too burdensome for implementation. In addition to program development there must be a willingness to work with the housing providers to make certain projects are built.

Again thank for this opportunity to comment and we look forward to the implementation of the Housing Element Update.

Sincerely,

A handwritten signature in black ink, appearing to read "E. Larson", written in a cursive style.

Eric Larson  
Executive Director



VIA ELECTRONIC MAIL ONLY

February 14, 2013

Board of Supervisors  
County of San Diego  
1600 Pacific Highway, Room 355  
San Diego, CA 92101

Planning Commission  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, California 92123

Dixie Switzer, AICP  
Planning and Development Services  
County of San Diego  
5510 Overland Avenue, Suite 310  
San Diego, California 92123  
[Dixie.Switzer@sdcounty.ca.gov](mailto:Dixie.Switzer@sdcounty.ca.gov)

Re: Draft Housing Element Update; Board of Supervisors Hearing Date: April 24, 2013;  
Planning Commission Hearing Date: March 1, 2013

Dear Members of the Board, Members of the Planning Commission, and Ms. Switzer:

We represent Helix Land Co., Ltd. and Helix 1960, Ltd. (together, "Helix") regarding approximately 410 acres of land that Helix owns in the unincorporated County in the community of Lakeside ("Helix's Land"). Helix's Land is located to the west of Oak Creek Drive and to the north of El Nopal.

Approximately 16 acres of Helix's Land are subject to a VR General Plan land use designation and a RS7 zone classification. The remaining approximately 394 acres are subject to a SR-1 General Plan land use designation and an A70 zone classification. These designations and classifications allow Helix to develop a maximum of 366 homes on Helix's Land.

Prior to the economic recession, Helix was processing entitlements through the County to develop Helix's Land with 140 single-family homes ("VTM 5314RPL5"). VTM 5314RPL5 would not only provide needed housing to the Lakeside community, but would also add 251 of the 410 acres of Helix's Land to the County's Multiple Species Conservation Program ("MSCP") open space preserve.

Ms. Dixie Switzer  
February 14, 2013  
Page 2

Due to the recession, on May 13, 2011, Helix was forced to place VTM 5314RPL5 into Idle Status. Pursuant to Board Policy I-137, Helix will be re-activating its application for VTM 5314RPL5 on or about May 13, 2013.

Tables in the draft Housing Element Update (the "Draft") indicate that in the decade 2010-2020 and through 2050, development of new housing in the Lakeside community is not expected to keep up with population growth. The Draft projects a population increase of 8.1% from 2010 to 2020, with only a 3.4% increase in available housing for the same period. The Draft projects a population increase of 8.6% from 2020 to 2030, with only a 6.4% increase in available housing for the same period. Finally, the Draft projects a population increase of 8.1% from 2030 to 2050, with only a 1.9% increase in available housing for the same period.

Table 3-20 in the Draft indicates that the vacancy rate for housing in the Lakeside community in 2010 was 4.8%, significantly below both the 6.6% vacancy rate for the unincorporated area as a whole and the 6.1% vacancy rate for the entire county. The same table indicates that the average number of persons per household in the Lakeside community is 2.77.

Table 3-2 in the Draft projects a growth in population in the Lakeside community of 19,664 people between 2010 and 2050. At 2.77 persons per household, 7,099 new homes would be needed. Table 3-19 of the Draft projects that only 3,340 new homes will be built between 2010 and 2050. That would leave 3,759 2.77-person families homeless in the Lakeside community. Please keep in mind that the Draft provides these projected growth figures. This is growth beyond "replacement" persons and housing.

It is not clear from the Draft whether the Draft takes into consideration the hundreds of acres San Diego Gas & Electric Company ("SDG&E") purchased in the Lakeside community and the thousands of acres in East County to construct and mitigate for the construction of the Sunrise Powerlink project. SDG&E purchased well over 700 acres in the Lakeside community alone. This acreage in Lakeside and the greater East County is acreage that would have supported residential development and was projected to do so in the past.

If the Draft does not take these purchases into consideration, then the Draft may be over-projecting the development of new housing, which the Draft nonetheless projects to be well below what will be needed. If the Draft does take these purchases into consideration, we request that you provide us with citations to the pages on which we can find the information.

Helix began working with the County, the United States Fish and Wildlife Service ("USFWS"), and the California Department of Fish and Game ("CDFG") in 1995 to "hardline" preserve and development areas on Helix's Land as part of the County's MSCP. All three agencies approved the "hardlines" when the Board of Supervisors approved the MSCP on October 2, 1996, and entered into the Implementing Agreement with USFWS and CDFG (now California Department of Fish and Wildlife).

Helix submitted its application to the County for VTM 5314RPL5 on May 6, 2003. The design of VTM 5314RPL5 substantially conforms to the "hardlines" approved by the three agencies, placing

Ms. Dixie Switzer  
February 14, 2013  
Page 3

development within the development areas designated by the "hardlines", and preserving 251 acres of Helix's Land as open space. Additionally, the 140 new homes proposed by VTM 5314RPL5 are well below the maximum 366 homes allowed by the General Plan and the Zoning Ordinance. Nevertheless, processing VTM 5314RPL5 through the County has been a difficult, costly, and time-consuming process.

We ask that in considering adoption of the Draft, the Board, the Planning Commission, and Staff formalize commitments to streamline the processing of applications for new housing development and to confine the County's consideration of applications to issues directly related to written federal, state, and local regulations in effect at the time of application. Without these commitments, the County is unlikely to see new housing developed in the Lakeside community and throughout the unincorporated county at levels that will meet the Draft's projected numbers of new housing, let alone the needs for new housing projected in the Draft.

Thank you for consideration of these comments and our request.

Very truly yours,



Cynthia L. Eldred, Esq.  
THE LAW OFFICE OF CYNTHIA L. ELDRED, APC

cc: (via electronic mail only)  
Helix  
Thomas J. Pastuszka, Clerk of the Board of Supervisors  
Lisa Fitzpatrick, Secretary to the Planning Commission  
Mark Wardlaw, Director, Department of Planning Services



**UNITED STATES MARINE CORPS**  
MARINE CORPS AIR STATION  
P.O. BOX 452000  
SAN DIEGO, CA 92145-2001

11103  
CP&L/Housing  
February 22, 2013

COUNTY OF SAN DIEGO  
PLANNING AND DEVELOPMENT SERVICES  
ATTN DIXIE SWITZER  
5510 OVERLAND AVENUE, SUITE 310  
SAN DIEGO, CA 92123

RE: COUNTY OF SAN DIEGO GENERAL PLAN HOUSING ELEMENT UPDATE (FIFTH  
REVISION FOR 2010 - 2020)

Dear Ms. Switzer,

Thank you for the opportunity to provide comment on the County of San Diego draft Housing Element Update. As a member of this community, Marine Corps Air Station (MCAS) Miramar shares your concerns on all quality of life issues.

After reviewing the document, our primary concern deals with the potential construction of housing in the Miramar County Island vicinity. We would like to make the County of San Diego aware that while the Miramar County Island is located outside the 65+ dB Community Noise Equivalent Level (CNEL) noise contours and all MCAS Miramar Accident Potential Zones (APZ), its proximity to the base will still result in significant noise and vibration impacts to any future residents. In addition, the site lies underneath or adjacent to established fixed and rotary-wing flight corridors that are used for day/night military training operations. We urge the County of San Diego to carefully evaluate the potential impacts of future military operations on would be residents and make an informed decision as to whether the site is indeed best suited for housing of any kind.

Thank you for the opportunity to review this update. If we may be of any further assistance, please contact Mr. Juan Lias at (858) 577-6603.

11103  
CP&L/Housing  
February 22, 2013

Sincerely,



C. L. THORNTON  
Community Plans and Liaison Officer  
By direction of the Commanding Officer

Copy to:  
San Diego County Regional Airport Authority, Ed Gowens

**From:** Bob Bush  
**Sent:** Saturday, February 23, 2013 10:33 AM  
**To:** Switzer, Dixie  
**Subject:** RE: Housing Element Update Notice of Planning Commission Hearing March 1, 2013

Hi My names is Bob Bush I have a parcel at 1226 pepper drive apn # 388-230-62 . It is a 10 acre parcel that is current zone 1 acre all other parcels next to it are 20,000 sq ft lots our less. For some reason it was over looked during 2020 plan. I bought the parcel in 2007 and was told you could not make any more changes to 2020 plan. Would changing my parcel zoning to what the surrounding lots are meet the criteria of what this meeting is about on March 1. It would certainly make since if the county is looking for more sites to build housing. If it does I would like this parcel added to your agenda. Unfortunately I am out of town next week but if there is a chance to make a change to possible lot size I would love to do so.

Thank You  
Bob Bush  
760-518-8793



**PECHANGA CULTURAL RESOURCES**  
*Temecula Band of Luiseño Mission Indians*

Post Office, Box 2183 • Temecula, CA 92593  
Telephone (951) 308-9295 • Fax (951) 506-9491

Chairperson:  
Germaine Arenas

Vice Chairperson:  
Mary Bear Magee

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Aurelia Marruffo  
Richard B. Searee, III

Director:  
Gary DuBois

Coordinator:  
Paul Macarro

Cultural Analyst:  
Anna Hoover

February 28, 2013

**VIA E-MAIL and USPS**

Ms. Dixie Switzer, AICP  
County of San Diego  
Planning and Development Services  
5510 Overland Avenue, Suite 310  
San Diego, CA 92123

**Re: Pechanga Tribe Comments on the Draft Housing Element Update, Fifth Housing Element Cycle, GPA12-009.**

Dear Ms. Switzer:

This comment letter is written on behalf of the Pechanga Band of Luiseño Indians (hereinafter, "the Tribe"), a federally recognized Indian tribe and sovereign government. The Tribe formally requests, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the above referenced project (the "Project"). If you have not done so already, please add the Tribe to your distribution list(s) for public notices and circulation of all documents, including environmental review documents, archeological reports, and all documents pertaining to this Project. The Tribe further requests to be directly notified of all public hearings and scheduled approvals concerning this Project. Please also incorporate these comments into the record of approval for this Project.

The Tribe submits these comments concerning potential impacts that future development of residential areas may have on cultural resources. We also hope that these comments will assist the County in developing appropriate avoidance and preservation standards and policies that will be included in the updated Housing Element and will be triggered for future development activities in association with other applicable General Plan Elements.

The Tribe has reviewed the proposed Draft Housing Element Update. Although there is no development proposed at this time, the Tribe informs the County that there are several areas within the County that have the potential to negatively impact cultural resources should development or rehabilitation be proposed at a future date. By working closely with the County in these areas and by being involved early in the development process, it is more likely that cultural resources can be avoided and preserved.

*Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need*

The maps provided in the packet sent to the Tribe appeared to be more planning orientated and generalized in nature. The Tribe requests that should development be proposed in the areas identified in the Housing Element maps in the Fallbrook, Rainbow, Pala-Pauma, Bonsall, Valley Center, Hidden Meadows, and Twin Oaks areas, the County shall contact the Tribe and provide additional information and details of the project for our review and comment. We have specific cultural information on these areas that will assist the County in responsible planning activities that avoid or greatly minimize the impacts to cultural resources that lie within your jurisdiction. These areas should not be construed as to be the only areas of concern for the Tribe. Many other areas within the County are sensitive and we request that the County continue to consult with the Tribe on other projects as well.

Furthermore, while the Policies proposed by the County of San Diego address the County's commitment to providing its regional fair share of housing opportunities and affordable housing, Pechanga is requesting the addition of a policy under the Government Constrains section of the Goals and Policies for Housing Element in order to better protect any cultural resources that may be encountered during the future development projects. While we understand that the County's General Plan has a separate Element that addresses archaeological, cultural and historic resources, the Tribe would like assurance that this Housing Element also addressed the importance of preservation of cultural resources and refers readers and practitioners back to that applicable Element so that cultural resources are not ignored in future development.

Below is our addition to the proposed policy changes.

**H05.5 Cultural Resources Any modified regulations or streamlining process shall not impact archeological, cultural and historical resources without adequate environmental review, including consultation with the appropriate tribes.**

The Pechanga Tribe looks forward to working together with the County of San Diego in protecting the invaluable Luiseño cultural resources found within the County's boundaries. Please contact me at 951-770-8113 or at [eozdil@pechanga-nsn.gov](mailto:eozdil@pechanga-nsn.gov) if you should have any comments or questions. Furthermore, once the Housing Element has been approved, please send all finalized documents to the Tribe for our files. Thank you.

Sincerely,



Tuba Ebru Ozdil  
Tribal Planner

Cc Pechanga Office of the General Counsel

*Pechanga Cultural Resources • Temecula Band of Luiseño Mission Indians  
Post Office Box 2183 • Temecula, CA 92592*

*Sacred Is The Duty Trusted Unto Our Care And With Honor We Rise To The Need*





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February 28, 2013

Mr. David Pallinger  
Chair, San Diego County Planning Commission  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123

Re: General Plan Housing Element Update 2013-2020

Dear Chairman Pallinger:

On behalf of the San Diego Housing Federation, we recommend approval of the draft Housing Element and encourage the Planning Commission to approve the document.

The draft Housing Element contains a number of key action items that can have a significant impact on the ability of the County of San Diego to meet its affordable housing production goals. We applaud the inclusion of many of the Housing Federation's recommended best practices in the document and respectfully request that the County consider taking action today that will begin to move these key items forward.

- 1. Endorse the California Homes and Jobs Act.** We recommend that the County of San Diego endorse SB 391, the California Homes and Jobs Act. This state legislation introduced by Senator Mark DeSaulnier will create a permanent source of revenue for the development and preservation of affordable housing throughout the state. The Homes and Jobs Act will leverage federal, state, and private revenue sources and create a permanent source of funding for affordable housing. This new source of revenue will be critical to replace now nearly exhausted Proposition 46 and Proposition 1C bond proceeds.
- 2. Boomerang funds.** With Redevelopment elimination, the County will receive additional General Fund revenues that would have otherwise been dedicated in part to the creation and preservation of affordable housing. We urge the County to consider continuing to dedicate a portion of the funds returned to the County to help meet the need for affordable housing.
- 3. Off-site density bonus.** The draft Housing Element identifies providing a density bonus program as a means to develop affordable housing (H-3.3). We agree with this recommendation and recommend this policy to be codified and promoted. To increase the productivity of the County's density bonus program, we recommend allowing an option to construct affordable homes at an offsite location. The provision of an offsite density bonus option would allow developers to pool their affordable units in a 100% affordable development in order to create a market-based funding program to support the financing of

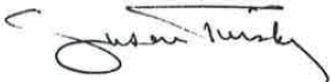
*San Diego's Voice for Affordable Housing*

affordable housing and maximize the use of outside funding sources. We recommend that the County adopt an ordinance to allow developers to utilize the density bonus at an offsite location in order to encourage developers to maximize these resources to create new affordable housing units.

4. **Reduce parking requirements.** Under the County's current parking requirements, there is no reduction made for affordable housing. The draft Housing Element recommends review and revision of parking regulations for senior and affordable housing (H-1.5). We urge the County to reduce parking requirements for such development. According to a recent City of San Diego study of parking demands at affordable housing sites, residents living in affordable housing typically owned fewer vehicles than those living in market-rate housing, and therefore do not need as many parking spaces. Unnecessary parking significantly increases the cost of providing affordable housing and may limit the amount of housing that can be developed and provided.
5. **At-risk properties.** According to the draft Housing Element, the County expects affordability covenants to expire on 59 units of affordable housing during the Fifth Cycle (page H1-48). Recent data provided by HUD suggests that this number is closer to 214 units of federally-subsidized affordable housing at risk of converting to market-rate in the next 5 years. We commend the County for including efforts to preserve this housing in its draft Housing Element and urge the County to be creative and persistent in working with the existing owners to extend their covenants, or sell the properties to organizations that are interested in doing so. With the dissolution of redevelopment and diminishing bond revenues for affordable housing, the impetus to preserve existing affordable units at this time is especially critical.

We thank you for consideration of these requests and look forward to continuing to work with you to increase the supply of affordable housing in the County of San Diego.

Sincerely,



Susan Riggs Tinsky  
Executive Director

Cc: Planning Commission Vice-Chairman Adam Day  
Planning Commission Member Michael Beck  
Planning Commission Member Leon Brooks  
Planning Commission Member Peder Norby  
Planning Commission Member John Riess  
Planning Commission Member Bryan Woods

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February 28, 2013

File Number: 06JM-167279

## VIA ELECTRONIC MAIL ONLY

Chairman and Members of the Planning  
Commission  
County of San Diego  
5510 Overland Avenue, Suite 110  
San Diego, CA 92123  
Attn: Dixie Switzer, Project Manager  
Planning and Development Services  
E-Mail: Dixie.Switzer@sdcounty.ca.gov

Re: County of San Diego Draft Housing Element Update and Proposed Addendum

Honorable Chairman and Members of the Planning Commission:

This firm represents Rancho Guejito Corporation, a California corporation ("Rancho Guejito"), which has requested our review and assistance in connection with the proposed County of San Diego ("County") Draft Plan Housing Element Update ("Housing Element Update") scheduled for review by your Commission on March 1, 2013. On behalf of our client we thank you for the opportunity to comment on the Housing Element Update and the proposed use of an Addendum to satisfy the requirements of the California Environmental Quality Act ("CEQA," Pub. Res. Code §§ 21000 *et seq.* and 14 Cal. Code of Regs. §§ 15000 *et seq.*, "Guidelines").

At this time we offer the following comments:

As you may be aware, in connection with the County's approval of the General Plan Update ("General Plan Update" or "GPU") in September 2011, Rancho Guejito filed a Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-000974236-CU-TT-CTL ("CEQA Lawsuit") alleging, among other things, that the program environmental impact report approved in connection with the General Plan Update ("GPU EIR") was inadequate and unlawful, and in violation of CEQA. In November 2011, Rancho Guejito filed a second Verified Petition for Writ of Mandate and Complaint for Declaratory and Injunctive Relief, San Diego Superior Court Case No. 37-2011-00100332-CU-WM-CTL ("Housing Element Lawsuit"), alleging substantive violations of the State Planning and Zoning Law related to deficiencies in the General Plan Update, including, among other things, that the GPU Housing Element ("2011 Housing Element") was legally defective and inadequate. Both the CEQA Lawsuit and the Housing Element Lawsuit (collectively, the "GPU Litigation") are pending in court and no judicial determination has been made regarding the validity of the General Plan Update (including the 2011 Housing Element) or the GPU EIR (including its Population and Housing analysis).

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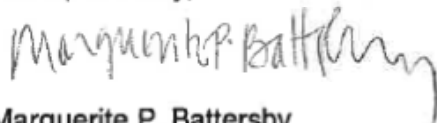
Chairman and Members of the Planning Commission  
February 28, 2013  
Page 2

The legal issues raised in the GPU Litigation have not been decided, still exist in the challenged documents, and provide substantial basis for concluding that the documents on which the Housing Element Update now relies are themselves defective, inadequate and contrary to the California Planning and Zoning Laws (Gov't. Code §§ 65000 *et seq.*) and the Housing Element Law (Gov't. Code §§ 65580 *et seq.*), and contrary to CEQA.

We are also concerned that the December 3, 2012, Ruling on Petitions for Writ of Mandate in *Cleveland National Forest Foundation v. San Diego Association of Governments*, San Diego Superior Court Case No. 2011-00101593 ("Ruling") may affect the viability of the Housing Element Update. In the Ruling, the court directed the issuance of a writ of mandate requiring the San Diego Association of Governments ("SANDAG") to set aside its certification of the Regional Transportation Plan ("RTP") environmental impact report ("RTP EIR") on which the approval of SANDAG's RTP and Sustainable Communities Strategy ("SCS") (collectively, the "RTP/SCS") relies, on grounds that the RTP/SCS was "inconsistent with state law" (Ruling, p. 13). Under SB 375, enacted by the Legislature in 2008, SANDAG's adoption of an adequate RTP is clearly linked to the certification of the County's fifth revision of the Housing Element. (Gov't Code § 65588(e)(2).) Government Code section 65584.04(i) requires that "housing planning be coordinated and integrated with the [RTP]," the allocation plan "shall allocate housing units within the region consistent with the development pattern included in the [SCS], and the final housing need allocation plan must demonstrate consistency with the GhG-sensitive development patterns that result from newly developed sustainable community strategies. Gov't. Code § 65080(b)(2)(B). Because the Housing Element Update relies on SANDAG's RHNA of 22,412 residential units for the County and other aspects of the RTP/SCS, the assumptions of the Housing Element Update may be called into question if the RTP requires substantial revision to comply with the law.

The Planning Commission is charged with the initial review and recommendation to the Board of Supervisors regarding the adequacy of the Project. At this time, we believe the recommended action is premature, and ask your Commission to confirm that the Housing Element Update requires revision and reconsideration prior to approval.

Yours sincerely,



Marguerite P. Battersby  
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

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